

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE A.K.BASHEER

TUESDAY, THE 24TH JULY 2007 / 2ND SRAVANA 1929

WP(C).No. 5987 of 2007(K)

PETITIONER:

**P.MOHAMED KUTTY, MANAGER,
C.H.MOHAMED KOYA MEMORIAL U.P.SCHOOL,
MUNDAKKULAM, MUTHUPARAMBA P.O., KONDOTTY,
MALAPPURAM DISTRICT.**

**BY ADV. SRI.GEORGE ABRAHAM
SRI.O.K.MURALEEDHARAN**

RESPONDENTS:

- 1. STATE OF KERALA,
REPRESENTED BY SECRETARY TO GOVERNMENT,
GENERAL EDUCATION DEPARTMENT,
TRIVANDRUM.**
- 2. THE DIRECTOR OF PUBLIC INSTRUCTIONS,
TRIVANDRUM.**

BY SR.GOVERNMENT PLEADER SRI. T.T. MUHAMOOD

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 24/07/2007, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

APPENDIX

PETITIONER'S EXHIBITS:

- EXT.P1: COPY OF REPORT OF THE VILLAGE OFFICER, MUTHAVALLUR DTD. 7/03/2006.
- EXT.P2: COPY OF CERTIFICATE DTD. 8/04/2006 ISSUED BY THE SECRETARY, MUTHAVALLUR GRAMA PANCHAYAT.
- EXT.P3: COPY OF CERTIFICATE DTD. 5/03/2006 ISSUED BY THE VILLAGE OFFICER, MUTHAVALLUR.
- EXT.P4: COPY OF REPORT SUBMITTED BY THE DEPUTY DIRECTOR OF EDUCATION, MALAPPURAM DTD. 20/09/2004.
- EXT.P5: COPY OF JUDGMENT IN WRIT PETITION © NO.4597/06 FILED BY THE PETITIONER.
- EXT.P6: COPY OF G.O.(RT) 3298/06 DTD. 29/07/2006.
- EXT.P7: COPY OF G.O.NO.8/06/G.EDN. DTD. 5/01/2006.
- EXT.P8: COPY OF THE JUDGMENT DTD. 26/07/2006 IN WP(C) NO.18529/06.
- EXT.P9: COPY OF ARGUMENT NOTE DTD. 12/10/2006.
- EXT.P10: COPY OF GOVERNMENT ORDER G.O.(RT) NO.332/07/G.EDN. DTD. 23/01/2007.
- EXT.P11: COPY OF RESOLUTION TAKEN BY THE MUTHAVALLUR GRAMA PANCHAYAT DTD. 6/07/2007.
- EXT.P12: COPY OF SKETCH DRAWN BY THE SECRETARY OF MUTHAVALLUR GRAMA PANCHAYAT SHOWING THE POSITION OF PETITIONER'S SCHOOL.
- EXT.P13: COPY OF COMMUNICATION DTD. 9/07/2007 OF DEPUTY DIRECTOR OF EDUCATION, MALAPPURAM RECOMMENDING UPGRADATION OF PETITIONER'S SCHOOL.

/TRUE COPY/

W.P(C) No. 5987 of 2007

Dated this the 24th day of July, 2007.

J U D G M E N T

Petitioner is stated to be the Manager of C.H.Mohammed Koya Memorial Upper Primary School at Muthuparamba in Malappuram District. The school which was established in the year 1984, is situated in Ward No.XIV of Muthavallur Grama Panchayat. Petitioner has been clamouring for upgradation of the above school since 1990. Initially the request made by the petitioner was rejected by the Government, as could be seen from Ext.P6. Later, the matter was reconsidered by the Government as directed by this Court. Yet again, the Government took the view that the request made by the petitioner for upgradation cannot be granted. A copy of the said order passed by the Government is on record as Ext.P10. Petitioner impugns Exts.P6 and P10 orders in this writ petition.

2. While inviting my attention to Ext.P11 resolution passed by Muthavallur Grama Panchayat within the limits of which petitioner's Upper Primary School is situated, it is contended by learned counsel for the petitioner that there cannot be any impediment now in according sanction for upgradation of the school. It is true that in Ext.P11 resolution passed by the Grama Panchayat, it has been stressed that there is no High School within its limits and therefore. the Panchayat has requested the authorities to establish a High School at Mundakkulam. Learned counsel submits that the above

resolution will advance the case of the petitioner, particularly in the light of the new regulations issued by the Government in G.O(P). 107/07/G.Edn. dated June 13, 2007.

3. More importantly, in Ext.P13 report submitted before the Director of Public Instruction, the Deputy Director of Education, Malappuram has referred to the resolution passed by the Grama Panchayat. He has also taken note of the fact that there is no other High School within the limits of the Panchayat and the students in most of the wards in the Panchayat have to travel a long distance to reach the nearby High School. It is also noticed by the Deputy Director that petitioner's school is situated in Ward No.XIV at Mundakkulam and that it would be advantageous to the children in the Panchayat if a High school is established at Mundakkulam. Learned counsel submits that the resolution passed by the Panchayat and the report of the Deputy Director of Education will justify the long standing demand of the petitioner, particularly in view of the new guidelines issued by the Government.

4. Learned Government Pleader submits that petitioner's request will be considered by the Government in the light of the new guidelines referred to above.

5. Therefore Ext.P10 is quashed. Respondent No.1 is directed to reconsider the application submitted by the petitioner in terms of the guidelines issued in the order of the Government dated June 13, 2007 and also in the light of Exts.P11 to P13, the resolution of the Muthuvallr Grama Panchayat and report and sketch of the Deputy

Director of Education, Malappuram. An appropriate decision shall be taken by respondent No.1 as expeditiously as possible, at any rate within two months from the date of receipt of a copy of the judgment. Needless to mention, respondent No.1 shall ensure that petitioner is afforded sufficient opportunity to be heard before any decision is taken in the matter.

A.K. Basheer
Judge.

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